IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1473/06

Shri. Sandeep Bhiva Thopte .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri. S.S. Thombare with Shivalkar Adv. for the applicant.

Miss.M.H. Mhatre APP for the State.

**CORAM : V.M. KANADE, J.**

**DATED : 28/04/06**

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.74/2005 registered with Jejuri Police Station for the offences punishable U/s.498(A), 304(B), 323, 504 r/w 34 of IPC.

3. It is alleged that the applicant and his mother used to demand dowry from the wife of the applicant and as a result of said ill-treatment, she consumed poison and committed suicide. In the

complaint it is submitted that there were several injuries on the person of the deceased Anita. P.M. Notes indicates that there were no injuries on the persons of the deceased. In the inquest panchanama also it is stated that there were no injuries on the person of the deceased. The doctor who performed P.M. has not stated the cause of death and reasoned his opinion as visera was preserved and was sent for chemical analysis'. Chargesheet has been filed. In my view, it is a fit case for grant of bail as investigation is over. It is yet not ascertained whether deceased died as a result of consumption of poison. Claim made by the complainant in the F.I.R. appears to be exaggerated since it is not borne out by the medical evidence.

4. Therefore, in my view, the applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. The applicant shall report to the Jejuri Police Station, once in a month.

5. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public

Prosecutor is at liberty to file an application for cancellation of bail.

6. The Trial Court shall not be influenced by any observations made by this Court while deciding the application and they shall not be construed as an expression of opinion on merits of the case and it shall decide the case on its own merit and in accordance with law.

7. The application is accordingly disposed of.

V.M. KANADE J.